

REMARKS

Applicants will address each of the pending rejections in the order in which they appear in the Office Action.

Claim Rejections - 35 USC §103

Claims 1, 4-6, 7, 13-15, 19, 20-23 and 27

In the Office Action, the Examiner now rejects Claims 1, 4-6, 7, 13-15, 19, 20-23 and 27 under 35 USC §103(a) as being unpatentable over Forrest et al. (US 5,703,436; now Fig. 2A) in view of Liao et al. (US 6,717,358). This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claims 1, 20, 21, and 22 to recite the feature of “a second layer formed over and being in direct contact with the first layer and containing an organic compound and an electron-supplying material.” This feature is supported by, for example, at least Fig. 1 in the present application.

In contrast, in Forrest, ITO/metal layers 26 is provided between LED 20 (which the Examiner contends corresponds to the claimed “first layer”) and LED 21 (which the Examiner contends corresponds to the claimed “second layer”). Hence, LED 20 is not in direct contact with LED 21, as recited, as recited in amended Claims 1, 20, 21 and 22.

In addition, one skilled in the art would not consider LED 20 and ITO/metal layers 26 on the LED 20 as one layer (i.e. the first layer of the claimed invention) as LED 20 is clearly distinguishable from ITO/metal layers 26 on the LED 20.

Additionally, Liao also does not disclose or suggest this claimed feature and does not cure this deficiency in Forrest. Therefore, even if it were proper to combine Forrest and Liao (which Applicants do not admit), the combination still would not teach all of the claimed elements.

Therefore, independent Claims 1 and 20-22 are not disclosed or suggested by the cited references, and Claims 1, 20-22 and those claims dependent thereon are patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 16-18 and 24-26

The Examiner also rejects Claims 16-18 and 24-26 under 35 U.S.C. §103(a) as being unpatentable over Forrest and Liao in view of Kido et al. (US 2003/0189401). This rejection is also respectfully traversed.

These claims are dependent claims. Therefore, for at least the reasons discussed above for the independent claims, these claims are also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Double Patenting

The Examiner also rejects Claims 1, 4-7, 13-17, 18-19 and 20-26 provisionally on the grounds of non statutory obviousness-type double patenting as being unpatentable over Claims 15-31 of copending application no. 10/575,202 (or US 2007/0090376). This rejection is also respectfully traversed.

While Applicants traverse this rejection, it is respectfully requested that this rejection be held in abeyance until the prior art rejections are overcome and the claims are in their final form.

New Claims

Applicants are also adding new dependent Claim 28 to recite the feature of “the transparent conductive film is thin enough to have light-transmitting properties.” This claim is supported by, for example, paragraph [0035] in the printed publication of the present application (US 2007/0040161). As this is a dependent claim, it is allowable for at least the reasons discussed above for the independent claims. Accordingly, it is respectfully requested that this new claim be entered and allowed.

If any fee should be due for this new claim, please charge our deposit account 23/0920.

Information Disclosure Statement

Applicants are submitting an information disclosure statement (IDS) herewith. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action on this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment, the IDS, and/or the new claim, please charge our deposit account 23-0920.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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